IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7461 of 2004

Between:

Jagadamba Electrical Works, rep.by its Prop.A.Chandrasen, S/o Chandraiah, R/o 3-4-29/1, Nirmal, Adilabad District.

..... PETITIONER

AND

1 The Northern Power Distribution Company of A.P.Limited, rep.by its Managing Director, Warangal
2 The Superintending Engineer (Operation), Northern Power Distribution Company of A.P.Ltd. Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more in the nature of Writ of Mandamus directing the 2nd respondent to consider the tender filed by the petitioner firm in response to the Tender Notice No.04/2003-04 dated
24-03-2004 which was issued by the 2nd respondent for awarding the work i.e. Manning and Maintenance of 33/11 KV Sub-Stations in Nizamabad Circle by duly declaring the non-consideration of the tender of the petitioner firm on the date of opening of the tenders on 13-4-2004 on the ground that the Demand Draft No.605189 for Rs.3,780 submitted by the petitioner firm towards payment of amount of EMD to be paid along with the Tender Schedule is dated 6-6-2004 is nothing but unfair, unreasonable and amounts to clear case of arbitrary exercise of Power mechanically without application of Mind besides it is violation of Fundamental rights guaranteed under Art.14 & 19 of the Constitution of India

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following :

-

-

-

-

-

ORDER:

Heard both sides.

At the consent of both the parties, the main writ petition itself is taken up for disposal.

The only grievance of the petitioner is that the second respondent is not considering the tender that was submitted by petitioner in response to the Tender Notice No.04/2003-2004, dated 24-03-2004 issued by it.

This Court, while admitting the writ petition, by an interim order dated 21.04.2004 in W.P.M.P. No. 9733 of 2004, directed the respondents to open the tender of the petitioner and consider the same on merit, pending further orders.

The respective learned counsel on either side represented that in terms of the said interim direction of this Court, the tender of the petitioner has already been opened and was considered.

Therefore, in view of the above submission, no further orders are necessary in this writ petition. Accordingly, the writ petition is dismissed. No costs.

_____

03-08-2004

klp/kvsn

To

1. The Northern Power Distribution Company of A.P.Limited, rep.by its Managing Director, Warangal
2 The Superintending Engineer (Operation), Northern Power Distribution Company of A.P.Ltd. Nizamabad.

3. Two C.D.copies.